

AGRICULTURAL COMMUNITY DEVELOPMENT PROMOTION ACT

Amended by Act No. 1039, Mar. 21, 1962

Amended by Act No. 1588, Dec. 16, 1963

Act No. 1859, Dec. 27, 1966

Act No. 2133, Aug. 4, 1969

Act No. 2283, Jan. 14, 1971

Act No. 2437, Jan. 15, 1973

Act No. 3119, Dec. 5, 1978

Act No. 5020, Dec. 6, 1995

Act No. 5153, Aug. 8, 1996

Act No. 5758, Feb. 5, 1999

Act No. 6353, Jan. 16, 2001

Act No. 6997, Dec. 11, 2003

Act No. 8423, May 11, 2007

Act No. 8503, Jul. 13, 2007

Act No. 8749, Dec. 21, 2007

Act No. 8852, Feb. 29, 2008

Act No. 9478, Mar. 5, 2009

Act No. 9957, Jan. 25, 2010

Act No. 10939, Jul. 25, 2011

Article 1 (Purpose)

The purpose of this Act is to provide for matters necessary to conduct experimental research projects for the promotion of the agricultural science and technology, agricultural community guidance projects, and education and training projects for persons related to agriculture to promote the development of agriculture, the key industry of the State, and the improvement of the welfare of farmers.

Article 2 (Definitions of Projects)

The term used in this Act shall be defined as follows:

1. The term "experimental research projects" in this Act means the following duties:
 - (a) Experimental research for the development of agricultural science and technology (including the technology related to the livestock industry, livestock hygiene, sericultural industry, breeding and

cultivation of mushroom, storage, use and process of agricultural or livestock products and the improvement of agricultural goods, such as agricultural machines, agricultural pesticides and fertilizers; hereinafter the same shall apply);

(b) Experimental research on the development of advanced technology for the agrobiologic industry and the preservation of the agricultural environment;

(c) Development and production of high quality crops, vegetable seeds, silkworm eggs, mulberry seedlings, flower seeds, seedlings of high quality fruit trees, useful microorganism, other crops prescribed by Presidential Decree and drugs to prevent contagious domestic animal diseases;

(d) Establishment of the standards for agricultural goods, such as agricultural machines, pesticides and fertilizers, etc., and the quality control thereof;

(e) Investigations and research on the rightsizing, streamlining and cooperation of agricultural management and the improvement of managing agricultural production organizations, such as corporations involved in agriculture;

(f) Investigations and research for the improvement of the agricultural life and the agricultural environment.

2. The term "agricultural community guidance projects" in this Act means the following duties:

(a) Enhancement of the agricultural production capacity and promotion of farmer organizations aimed at improving the life of farmers;

(b) Training of agricultural successors, such as adolescents living in the agricultural community and successors to agricultural managers;

(c) Distribution of high quality seeds and breeding stocks for sustainable and stable production of agricultural or livestock products;

(d) Distribution of technology developed in experimental research projects;

(e) Development of regional agriculture and the development and distribution of farmers' technology to resolve troubles found on the spot;

(f) Scientific forecasting of diseases and pests harming crops, the distribution of information on controlling pests or diseases and guidance on technology prepared for climate damage;

(g) Guidance for the improvement of the quality and grade of crops;

(h) Guidance on disease prevention technology to prevent animal diseases.

3. The term "education and training projects " in this Act means the following duties:

(a) Education and training of persons engaged in experimental research projects, agricultural community guidance projects and education and training projects;

(b) Education and training of teachers and students in agricultural schools on farming technology, which is offered with cooperation of the industrial world, academic world, national agencies and research institutions related to agriculture (hereinafter referred to as "agriculture industry-academia cooperation");

- (c) Education and training of farmers, adolescents and females living in the agricultural communities or members of organizations related thereto;
- (d) Avocational training and vocational guidance for farmers;
- (e) Education and training for fostering specialized human resources in agriculture, such as full-time farmers and successors to agricultural managers.

Article 3 (Regional Rural Development Agencies)

Local governments may establish regional rural development agencies under its direct control pursuant to Article 113 of the Local Autonomy Act to have such agencies take partial charge of regional experimental research projects and agricultural community guidance projects.

Article 4 (Conducting and Adjusting Projects)

(1) The Administrator of the Rural Development Administration may adjust agricultural community guidance projects conducted by local governments to promote the balanced development of regional agriculture and efficient agricultural community guidance projects, and local governments shall develop and promote policies on agricultural community guidance projects tailored for the region's characteristics.

<Amended by Act No. 10939, Jul. 25, 2011>

(2) Public organizations which are able to conduct agricultural community guidance projects under other Acts shall closely cooperate with agencies in charge of rural development tasks of the State or local governments. *<Amended by Act No. 10939, Jul. 25, 2011>*

(3) When organizations, other than public organizations under paragraph (2), intend to conduct agricultural community guidance projects, they shall conduct projects in line with rural development policies of the State or local governments. *<Amended by Act No. 10939, Jul. 25, 2011>*

(4) The Administrator of the Rural Development Administration shall prevent the overlapping of experimental research projects and enhance the efficiency thereof, by deliberating on and adjusting the following duties performed by experimental research agencies belonging thereto or experimental research agencies of local governments, as prescribed by Presidential Decree, in order to promote experimental research projects: *<Amended by Act No. 10939, Jul. 25, 2011>*

1. Matters concerning the support and promotion of research and development institutions;
2. Matters concerning research and development tasks;
3. Matters concerning training and securing researchers;
4. Other matters concerning the development of the agricultural science technology.

(5) Deleted. *<by Act No. 8503, Jul. 13, 2007>*

(6) The Administrator of the Rural Development Administration may order the heads of local governments to conduct research or investigations, if deemed necessary for conducting agricultural community development projects under this Act. *<Amended by Act No. 10939, Jul. 25, 2011>*

Article 4-2 (Basic Plans on Agricultural Community Guidance Projects)

(1) The Administrator of the Rural Development Administration shall annually formulate basic plans on agricultural community guidance projects, including the following matters, and submit them to the heads

of local governments:

1. Objectives of agricultural community guidance projects;
2. Policy direction of agricultural community guidance projects;
3. Tasks and details of agricultural community guidance projects;
4. Matters concerning the distribution of agricultural science and technology;
5. Other necessary matters concerning agricultural community guidance projects.

(2) When the head of a local government receives a basic plan on agricultural community guidance projects under paragraph (1), he/she shall formulate and execute an implementation plan of agricultural community guidance projects.

Article 5 (Joint Research and Development)

(1) The Administrator of the Rural Development Administration may order regional rural development agencies, research institutes, university professors, related specialists and farmers to conduct joint research for the development of commercialization technology needed by farmers in agricultural fields.

(2) The Administrator of the Rural Development Administration may pay donations for joint research under paragraph (1) to regional rural development agencies, research institutes, related universities, related specialists and farmers.

(3) Target projects of joint research under paragraph (1) and other necessary matters concerning conducting joint research shall be prescribed by Presidential Decree.

Article 6 (Research and Development of Agricultural Science and Technology)

(1) The Administrator of the Rural Development Administration shall promote the following experimental research projects to encourage the efficient research into and development of agricultural science and technology:

1. Research into and development of basic agricultural science and technology;
2. Research into and development of basic agricultural products and promising crops as exports and the applied research into agricultural genetic engineering;
3. Technological development and research on the industry related to agriculture under Article 36 of the Framework Act on Agriculture, Rural Community and Food Industry;
4. Development of leading technology;
5. Research on and development of the industrialization of advanced agricultural organism;
6. Development of the new technology tailored to the regional characteristics and the technology to resolve troubles found on the spot.

(2) The Administrator of the Rural Development Administration shall formulate basic plans on the development of agricultural science and technology for the efficient promotion of experimental research projects under paragraph (1) and such plans shall undergo deliberation by the National Science and Technology Council under Article 9 of the Framework Act on Science and Technology, in advance.

(3) Matters necessary for promoting experimental research projects under paragraph (1) shall be prescribed by Presidential Decree.

Article 7 (Education and Training)

(1) The Administrator of the Rural Development Administration shall annually formulate a basic plan on education and training and submit it to the head of a local governments to conduct education and training projects in a systematic manner.

(2) The heads of local governments shall take measures necessary for education and training, in consideration of basic plans on education and training under paragraph (1) and regional characteristics.

(3) Matters necessary for the formulation of basic plans on education and training under paragraph (1), and education and training for fostering agricultural experts shall be prescribed by Presidential Decree.

Article 8 (Proposal of Supportive Policies, etc.)

(1) The Administrator of the Rural Development Administration may evaluate the outcomes of experimental research projects under this Act in a comprehensive manner and reflect such outcomes in agricultural community guidance projects or propose supportive policies to the Minister of Food, Agriculture, Forestry and Fisheries, with regard to the distribution of the developed technology and important matters requiring support.

(2) When the heads of local governments comprehensively evaluate the outcomes of experimental research projects they conducted and such outcomes need to be reflected in agricultural community guidance projects, they may request the Administrator of the Rural Development Administration to reflect such outcomes in agricultural community guidance projects and propose supportive policies to the Minister of Food, Agriculture, Forestry and Fisheries, with regard to important matters which require support, by seeking the opinions of the Administrator of the Rural Development Administration.

(3) Upon receipt of proposals on supportive policies under paragraphs (1) and (2), the Minister of Food, Agriculture, Forestry and Fisheries shall devise supportive policies and take measures to ensure that the developed technology is promptly distributed to the agricultural community.

Article 9 (Cooperation from Local Governments)

Local governments shall take administrative or financial measures necessary for conducting agricultural community development projects to promote the balanced development of regional agriculture.

Article 10 (Public Officials Engaged in Research or Guidance)

(1) The Rural Development Administration shall have public officials engaged in research or guidance to have such public officials work for agricultural community development projects.

(2) Public officials engaged in research means public officials engaged in experimental research or education and training.

(3) Public officials engaged in guidance means public officials engaged in agricultural community guidance or education and training.

(4) The Administrator of the Rural Development Administration may appoint public officials engaged in research, who have retired at the regular retirement age and showed outstanding achievements during their tenure of office, as honorary officials to have them continue working for experimental research.

Article 11 (Qualifications, etc. of Public Officials Engaged in Research or Guidance)

- (1) Public officials engaged in research or guidance shall be persons who have completed specialized academic courses, in light of the uniqueness of their duties.
- (2) Matters necessary for qualifications of honorary officials under Article 10 (4), allowances, methods of appointment and duties shall be prescribed by Presidential Decree.

Article 12 (Duties of Public Officials Engaged in Research or Guidance)

No public official engaged in research or guidance shall be involved in duties, other than projects provided for in this Act.

Article 13 (the State's Financial Support)

- (1) The State may fully or partially subsidize expenses incurred in conducting projects for local governments which conduct experimental research projects related to the development of the agricultural science and technology and agricultural community guidance projects.
- (2) The State may provide financial support, such as the payment of subsidies to schools, organizations or individuals, which conduct experimental research projects related to the development of the agricultural science and technology and agricultural community guidance projects, as prescribed by Presidential Decree.

Article 14 (Transferring Achievements of Research and Development)

- (1) When the achievements of research and development jointly conducted by experimental research institutes belonging to the Rural Development Administration and companies are used by companies, which have taken part in the joint research and development, the Administrator of the Rural Development Administration may collect royalties from such companies, as prescribed by Presidential Decree, or exempt them from the royalties.
- (2) The Administrator of the Rural Development Administration may pay rewards to public officials engaged in research, who have taken part in the relevant research and development, within the amount of royalties collected under paragraph (1), as prescribed by Presidential Decree.
- (3) When public officials belonging to the Rural Development Administration apply for the patent (including utility patent) of the technology researched and developed in connection with their duties and it is deemed that the early industrialization of the relevant technology may contribute to promoting the public interests even before patent registration, the Administrator of the Rural Development Administration may grant permission to persons who intend to industrialize the relevant technology before patent registration, after holding consultation with the Commissioner of the Korean Intellectual Property Office.

Article 14-2 (Establishment and Operation of Agricultural Technology Commercialization Foundation)

- (1) The Administrator of the Rural Development Administration shall establish the Agricultural Technology Commercialization Foundation (hereinafter referred to as the "Commercialization Foundation") to promote commercializing the achievements of research and development related to

agricultural science and technology of the Government, government-invested research institutes and the private sector, etc. on agricultural fields.

(2) The Commercialization Foundation shall be a juristic person.

(3) The Commercialization Foundation shall conduct the following projects:

1. Mediation and recommendation for commercialization of the achievements of research and development;
2. Investigations and research for commercialization of the achievements of research and development;
3. Support for utilizing the achievements of research and development on agricultural fields;
4. Industrialization of the achievements of research and development;
5. Trust management of intellectual property rights, such as patents;
6. Support for industrializing the achievements of research and development of farms and agricultural producer organizations, etc.;
7. Projects entrusted by the State or local governments or conducted by proxy to promote commercialization of the achievements of research and development;
8. Other projects prescribed by Presidential Decree to commercialize achievements of research and development.

(4) Any of the following persons may donate or subsidize some of the funds for establishing and operating the Commercialization Foundation:

1. The Government;
2. Institutions prescribed by Presidential Decree, from among public institutions under Article 4 of the Act on the Management of Public Institutions;
3. Non-profit corporations established under the Civil Act;
4. Business operators' organizations;
5. Corporations or organizations related to agriculture and foods, which are prescribed by Presidential Decree.

(5) The Commercialization Foundation may conduct for-profit business to cover expenses incurred in achieving purposes under paragraph (1), as prescribed by Presidential Decree.

(6) When the State and local governments intend to promote projects under subparagraphs of paragraph (3) by entrusting them to the Commercialization Foundation, they may fully or partially subsidize expenses incurred in conducting such projects.

(7) Matters necessary for donations or subsidization under paragraph (4) and subsidization under paragraph (6) shall be prescribed by Presidential Decree.

(8) The State may transfer the State property and articles to the Commercialization Foundation free of charge, lend them, or permit the Commercialization Foundation to use or profit therefrom, when it is deemed necessary for the establishment and operation of the Commercialization Foundation, notwithstanding the provisions of the State Property Act and the Commodity Management Act.

(9) Matters necessary for the details, conditions and procedures of transfer, lending, using or profiting from the State property and articles under paragraph (8) shall be prescribed by Presidential Decree.

(10) The provisions of the Civil Act concerning incorporated foundations shall apply mutatis mutandis to the Commercialization Foundation, except as otherwise provided for by this Act. <Amended by Act No. 9957, Jan. 25, 2010>

Article 14-3 (Requests for Dispatch of Public Officials)

(1) The Commercialization Foundation may request to dispatch public officials belonging to the State institutions and local governments, after holding consultations with the Administrator of the Rural Development Administration, when it is especially necessary for achieving the purposes of its establishment.

(2) The heads of institutions which have received requests for dispatch under paragraph (1) may dispatch employees belonging thereto to the Commercialization Foundation.

Article 15 (Promotion of Agricultural Industry-academia Cooperation Projects)

The Administrator of the Rural Development Administration may promote agricultural industry-academia cooperation projects to encourage the development of agricultural science and technology.

Article 16 (Support for Agricultural Industry-academia Cooperation Projects)

The Government may subsidize expenses for agricultural industry-academia cooperation projects conducted by rural development agencies, in cooperation with agricultural schools, agricultural organizations, research institutes, companies and farmers from its budget each year in order to smoothly promote agricultural industry-academia cooperation projects under Article 15.

Article 17 (Entrustment of Authority)

The Administrator of the Rural Development Administration may partially entrust the authority under this Act to the heads of affiliated organizations, the Special Metropolitan City Mayor, the Metropolitan City Mayors, the Do Governors or the Governor of a Special Self-Governing Province, as prescribed by Presidential Decree.

ADDENDA

(1) (Enforcement Date) This Act shall enter into force three months after the date of its promulgation.

(2) Omitted.

ADDENDA <Act No. 5153, Aug. 8, 1996>

Article 1 (Enforcement Date)

This Act shall enter into force on the date Presidential Decree concerning the organization of the Ministry of Maritime Affairs and Fisheries and the Korea Coast Guard enters into force under the revised provisions of Article 41, within 30 days after its promulgation.

Articles 2 through 4 Omitted.

ADDENDA <Act No. 5758, Feb. 5, 1999>

Article 1 (Enforcement Date)

This Act shall enter into force on January 1, 2000.

Articles 2 through 11 Omitted.

ADDENDA <Act No. 6353, Jan. 16, 2001>

Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation.

Articles 2 through 5 Omitted.

ADDENDA <Act No. 6997, Dec. 11, 2003>

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation.

Articles 2 through 4 Omitted.

ADDENDA <Act No. 8423, May 11, 2007>

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation (Proviso Omitted).

Articles 2 through 13 Omitted.

ADDENDUM <Act No. 8503, Jul. 13, 2007>

This Act shall enter into force six months after the date of its promulgation.

ADDENDA <Act No. 8749, Dec. 21, 2007>

Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation

Articles 2 through 9 Omitted.

ADDENDA <Act No. 8852, Feb. 29, 2008>

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation (Proviso Omitted).

Articles 2 through 7 Omitted.

ADDENDUM <Act No. 9478, Mar. 5, 2009>

This Act shall enter into force six months after the date of its promulgation

ADDENDA <Act No. 9957, Jan. 25, 2010>

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation.

Article 2 (Special Provisions concerning Appointment of Employees of Commercialization Foundation)

(1) Any person, the status of whom is changed into an employee of the Commercialization Foundation, among public officials belonging to the Rural Development Administration, shall be deemed appointed as an employee of the Commercialization Foundation.

(2) When any person is appointed as an employee of the Commercialization Foundation under paragraph (1), he/she shall be deemed retired as a public official.

(3) When any person, who has been a public official under paragraph (2), is appointed as an employee of the Commercialization Foundation, his/her retirement age shall follow a retirement age under the State Public Officials Act, which has been applied to the class as at the time of his/her retirement.

(4) Paragraph (3) shall apply to any person, the status of whom is changed into an employee of the Commercialization Foundation before this Act enters into force, among public officials belonging to the Rural Development Administration.

ADDENDUM <Act No. 10939, Jul. 25, 2011>

This Act shall enter into force on the date of its promulgation.